

1 HOUSE BILL NO. 30

2 INTRODUCED BY G. MATTHEWS

3 BY REQUEST OF THE LAW, JUSTICE, AND INDIAN AFFAIRS INTERIM COMMITTEE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE DEPARTMENT OF CORRECTIONS
6 MUST DESIGNATE A PLACE WITHIN THE STATE TO RECEIVE CUSTODY OF A COMMITTED YOUTH;
7 CLARIFYING THAT A COUNTY IS RESPONSIBLE FOR PAYING FOR THE TRANSPORTATION OF A
8 COMMITTED YOUTH ONLY WITHIN THE STATE; AND AMENDING SECTION 52-5-109, MCA."

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10 WHEREAS, in In the Matter of J.A., 1999 MT 148, 295 Mont. 46, 983 P.2d 327 (1999), the
11 Montana Supreme Court held that the plain meaning of section 52-5-109, MCA, limits counties to paying
12 for the transportation of committed youth only within the state.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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16 **Section 1.** Section 52-5-109, MCA, is amended to read:

17 **"52-5-109. Commitment expenses -- arrangement for transportation.** The expenses of committing
18 a youth to the Pine Hills youth correctional facility, THE RIVERSIDE CORRECTIONAL FACILITY, or the department
19 of corrections and transporting the youth to the Pine Hills youth correctional facility, THE RIVERSIDE
20 CORRECTIONAL FACILITY, or the place designated by the department for it to receive custody within the state,
21 as well as the expense of returning the youth to the county of residence, must be borne by the county of
22 residence. The district judge shall arrange for transportation of the youth to the place where the
23 department has directed that it will receive custody of the youth within the state."

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